

**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION**

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HELENA, MONTANA 59620-1601**DECISION MEMO
CATEGORICAL EXCLUSION**

Roundup Reach of the Musselshell River Planning Grant
October 2021
Montana Department of Environmental Quality – Abandoned Mine Lands
Categorical Exclusions
46.440635, -108.532547
Musselshell County

PURPOSE AND NEED

The purpose and need includes:

The Department of Environmental Quality (DEQ) Abandoned Mine Lands will facilitate the community visioning and design of a floodplain restoration, flood mitigation, and recreational plan for the Roundup Reach along the Musselshell River.

The Roundup Reach of the Musselshell River is bound by the former Chicago Milwaukee Railroad Grade to the North and is bookended by the proposed benefits and impacts to the renewable resource(s) of this project. the former Bair-Collins coal mine to the west and the Jefferies No. 18 Mine to the east.

This plan will improve water flow, improve riparian habitat throughout the reach and reduce the impacts of flooding and help the river corridor become an amenity for the City of Roundup. Development of the Roundup Reach restoration plan is the next key step in continuing the floodplain restoration efforts recently completed by DEQ's Brownfields and AML programs. The abatement and demolition of 7 structures within the floodplain and the completion of restoration activities at the Bair-Collins Mine have provided the community the opportunity to design a floodplain restoration plan that will also serve as a recreational asset for the region.

The restoration plan and associated restoration designs will ensure that the reach is returned to a natural condition that is both safe and functional to human and wildlife residents. The development and ultimate implementation of the restoration plan will return the reach to more natural flow conditions, increase wildlife habitat, and mitigate flooding thereby protecting the aquatic and riparian natural resources.

Explanation of the decision(s) that must be made regarding the proposed action (i.e. approve grant or loan and provide funding):

DNRC will approve the grant to provide funding for the Roundup Reach of the Musselshell River Planning Grant.

DNRC is not required to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) for actions that qualify for a CATEGORICAL EXCLUSION (ARM 36.17.614) or justified by a PROGRAMMATIC REVIEW; or are ACTIONS OF A SPECIAL NATURE (ARM 36.2.523(5)); or are EMERGENCIES (ARM 36.2.539). These actions are subject to review for EXTRAORDINARY CIRCUMSTANCES that would require an EA or an EIS.

ACTIONS OF SPECIAL NATURE (ARM 36.2.523)

- ☐ Administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions.
- ☐ Minor repairs, operations, or maintenance of existing equipment or facilities.
- ☐ Investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards.
- ☐ Ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner.
- ☐ Actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

CATEGORICAL EXCLUSION/PROGRAMMATIC REVIEW

☒ Categorical Exclusion (CE) refers to a type of action which does not individually, collectively, or cumulatively require an EA or EIS, as determined by rulemaking or programmatic review adopted by the agency, unless extraordinary circumstances, as defined by rulemaking or programmatic review, occur. This project qualifies under ARM 36.17.614 CATEGORICAL EXCLUSIONS.

The project listed above meets the definition of Actions of a Special Nature, Categorical Exclusion or Programmatic Review including specified conditions and Extraordinary Circumstances. Included below is a supplemental checklist verifying the use of the Categorical Exclusion.

Prepared By:	Name: Jorri Dyer	Date: 10/18/21
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Approved By:	Name: Mark Bostrom	
	Title: CARD Division Administrator	
Signature:	<i>Mark W Bostrom</i>	Date: 10/22/2021 3:31:50 PM MDT

DNRC CARDD DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name: Roundup Reach of the Musselshell River Planning Grant

Brief Description: Planning grant for the restoration design of the Roundup Reach of the Musselshell River

Agreement Number: RITP-22-

Date: 10/21/2021

Preparer: Demi Blythe – MEPA Coordinator

The Department of Natural Resources and Conservation action under 36.17.614, is excluded from the requirement to prepare an environmental assessment (EA) or environmental impact statement (EIS) if the application for department review is for any of the following projects:

(a) Projects relating to existing infrastructure systems such as sewer and septic systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems, dams, culverts, headgates, canal lining, siphons, pipelines, pump sites, lift stations, irrigation infrastructure, that involve:
[Answer yes or no. If all answers “no”, an EA or EIS must be completed. If any answer is yes, skip to (b).]

1. No - Minor upgrading; or
2. No - Minor expansion of system capacity; or
3. No - Rehabilitation (including functional replacement) of the existing system and system components; or
4. No - Construction of new minor ancillary facilities adjacent to or on the same property as existing facilities; or
5. No - Projects in unsewered communities involving the replacement of existing on-site systems, provided that the new on-site systems do not result in substantial increases in the volume of discharges or in loadings of pollutants from existing sources, and do not relocate existing discharges; or
6. No - Use of sampling and monitoring wells to test for the presence of contaminants such as, but not limited to, metals and petroleum; or
7. Yes - Activities that do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering.

(b) A categorical exclusion may NOT be granted for a department action if:
[Answer yes or no. If all answers “no”, skip to (c). If any answer is yes, an EA or EIS must be completed.]

1. No - The action would authorize facilities that will provide a new discharge or relocate an existing discharge to ground or surface waters;
2. No - The action would result in an increase above permit levels established for the facility under the Montana pollutant discharge elimination system or Montana ground water pollution control system for either volume of discharge or loading rate of pollutants to receiving waters;
3. No - The action would authorize facilities that will provide capacity to serve a population at least 30% greater than the existing population;
4. No - The action is not supported by the state, or other regional growth plan or strategy;
5. No - The action directly or indirectly involves or relates to upgrading or extending infrastructure systems primarily for the purposes of future development;
6. No - The department has received information indicating that public controversy exists over the project's potential effects on the quality of the human environment;
7. No - The department determines that the proposed project that is the subject of the state action shows some potential for causing a significant effect on the quality of the human environment, based on ARM 36.2.524, or might possibly affect:
 - (i) sensitive environmental or cultural resource areas; or
 - (ii) endangered or threatened species and their critical habitats.

(c) If the proposed project meets the conditions above in determining use of a CATEX, the

reviewer will then complete items below as follows:

[Once all steps are complete, reviewer shall sign and date at bottom. If revocation becomes necessary, reviewer shall initiate an EA or EIS as appropriate.]

1. Yes - Project meets the above Categorical Exclusion criteria.
2. Yes - DNRC determination of Categorical Exclusion.
3. Yes - DNRC distributes the Notice of Determination.
4. NA - Notice of Publication and cover letter (containing revocation language below) is delivered to recipient.
5. NA - Notice of Publication published in local newspaper by recipient and evidence of publication provided to reviewer.

(d) The department may revoke a categorical exclusion if:

[Only complete the steps below if revocation of a previously implemented CATEX becomes necessary.]

1. Choose an item. - The project is not initiated within the time period specified in the facility plan, or a new or modified application is submitted;
2. Choose an item. - The proposed action no longer meets the requirements for a categorical exclusion because of changes in the proposed action;
3. Choose an item. - New evidence demonstrates that serious local or environmental issues exist; or
4. Choose an item. - State, local, tribal, or federal laws may be violated.

Demi Blythe – MEPA Coordinator



DNRC CARD Division STATE PREPARER

Mark Bostrom – Division Administrator

DNRC CARD Division STATE REVIEWER

10/21/2021

COMPLETION DATE